

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/778,165	02/07/2001	Marc Husemann	Beiersdorf 707	1836
7590 10:23/2003			EXAMINER	
Norris McLaughlin & Marcus, P.A.			BERMAN, SUSAN W	
220 East 42nd Street 30th Floor			ART UNIT	PAPER NUMBER
New York, NY 10017			1711	
			DATE MAILED: 10/23/2003	3

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application No.   Gentlemany   Application No.   Application No.   Gentlemany   Gentlemany								
Susan W Bernan   1711   Susa	×		Application No.		Applicant(s)			
Susan W Barman 1711  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE Of THIS COMMUNICATION.  - Distensions of time may be svalidable under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled set of 35 CMR 1.136(a). The cereminant date of 36 CMR of the controlled set of 35 CMR 1.136(a). In no event, however, may a reply be timely filled set of 35 CMR 1.136(a). The period for reply appealed above is less than thirty (30) days, a reply with the stated or set (35 CMR 1.136(a). The controlled set of 35 CMR 1.136(a). The controlled set of 36 CMR 1.136(a). The con	Office Action Summary		09/778,165					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the partial of the reply appended above is less than thirty (30) days, a neely within the actuatory minimum rot thinly (30) days will be considered limits.  If the partial for reply appended above is less than thirty (30) days, a neely within the detailogy minimum rot thinly (30) days will be considered limits.  If the partial for reply appended above, by mandman extentory partial day given with all against (30) days will be considered limits.  If the partial for reply appended above, by mandman extentory partial days and with against (30) days will be considered limits.  If the partial for reply appended above, by mandman extentory partial days with with a grade (30) days will be considered limits.  If the partial for reply appended above is less than thirty (30) days, a neely within the catulogry minimum or thirty (30) days will be considered limits.  If the partial for reply appended above is less than thirty (30) days and partial reply limits of the construction of the partial reply limits of the construction is non-final.  3 [Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x partial Qualified.  4 [Sclaims] 1.8.1 and 12 is/are pending in the application.  4 [Sclaims] 1.8.1 and 12 is/are rejected.  3 [Since this application is objected to by the Examiner.  4 [Sclaims] 1.8.2 is/are allowed.  4 [Sclaims] 1.8.2 is/are objected to extrict on and/or election requirement.  4 [Application Papers  4 [Sclaims] 1.8.2 is/are objected to by the Examiner.  5 [Sclaims] 1.8.2 is/are objected to by the Examiner.  5 [Sclaims] 1.8.2 is/a		Office Action Summary	Examiner	Art Unit				
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - State Six (6) MONTHS from the mailing date of this communication.  - The period for reply specified some is less than thin (30) days, a reply within the statutory minimum of tainty (30) days will be considered tensly.  - The period for reply specified some is less than thin (30) days, a reply within the statutory minimum of tainty (30) days will be considered tensly.  - The period for reply specified some is less than thin (30) days, a reply within the statutory minimum of tainty (30) days will be considered tensly.  - The period for reply specified some is less than thin (30) days, and the specification to become ASANDORED (38 U.S.C. § 133).  - Any reply received by the Office liber from there mailing date of this communication, even if timely filed, may reduce any seamed patient ierm adjustment. See 37 CPR 1.74(6).  Status  1)		THE MAN INC DATE Addinguish to the same			1.1			
THE MAILING DATE OF THIS COMMUNICATION.  Estractions of time may be autibed under the proteins of 37 CFR 1.19(a). In no event, however, may a reply be timely filed after SX (6) MON The from the making date of this communication.  I NO precio for reply is specified above, the machine date of the communication.  Fallows to reply within the sector extended period for reply by will be established. The proteins of the making date of this communication.  Fallows to reply within the sector extended period for reply by will by a date allowed the splication to binomic ASANCHED (80 U.S.C. § 133).  Satus  Responsive to communication(s) filed on Od August 2003.  Status  This action is FiNAL.  2b   This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 Q.G. 213.  Disposition of Claims  4)   Claim(s) 1-8.11 and 12 is/are pending in the application.  4a) Of the above claim(s)   is/are withdrawn from consideration.  5   Claim(s) 1.2.11 and 12 is/are rejected.  7   Claim(s) 3-8 is/are objected to.  3   Claim(s) 3-8 is/are objected to.  3   Claim(s) 3-8 is/are objected to by the Examiner.  4   The proposed drawing correction filed on   is/are awing(s) be held in abeyance. See 37 CFR 1.86(a).  11   The proposed drawing correction filed on   is/are awing(s) be held in abeyance. See 37 CFR 1.86(a).  12   The option of Claims and the communication of the drawing(s) be held in abeyance. See 37 CFR 1.86(a).  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * o   None of:  1.   Certified copies of the priority documents have been received in Application No.								
1) Responsive to communication(s) filed on 04 August 2003.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8.11 and 12 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 2T February 2001 is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) 1-8.11 and 12 is/are pending in the application.  4a) Of the above claim(s) ☐ is/are withdrawn from consideration.  5) ☐ Claim(s) ☐ is/are allowed.  6) ☐ Claim(s) 1.2.11 and 12 is/are rejected.  7) ☐ Claim(s) 3-8 is/are objected to.  8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 27 February 2001 Is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved by ☐ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received in Application No. ☐ .  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) ☐ The translation of the foreign language provisional application has been received.  15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  10 ☐ Notice of Informal Patent Application (PT		Responsive to communication(s) filed on 04 A	Jugust 2003					
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are allowed.  7) ☒ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) ☒ The drawing(s) filed on 27 February 2001 is/are: a) ☒ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) □ Some * c) □ None of:  1. ☒ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Attachment(s)**  **Attachment(s)**  10 □ Notice of Partsperson's Patent Drawing Review (PTO-948)  5) □ Notice of Informal Patent Application (PTO-152)	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
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## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner et al (4,128,600). Skinner et al disclose interpenetrating dual cure resins comprising a polyacrylate having hydroxy functional groups, a polyisocyanate and a photoinitiator that forms a urethane linked copolymer. See the Examples, for example Example II wherein the composition comprises a photoinitiator and cure is by UV and thermal means.

# Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karim et al (5,721,289). Karim et al discloses products obtained by crosslinking compositions comprising a polyacrylate and a cationically polymerizable monomer, such as a diepoxide, in the presence of a photoinitiator. See column 5, lines 49-53, column 6, lines 7-63, column 7, lines 4-10, column 15, lines 19-35, and Examples 8-9. (Meth)acrylate monomers having pendent hydroxyl groups are disclosed as Class C in column 6. It would have been obvious to one skilled in the art at the time of the invention to employ Class C monomers to prepare the polyacrylate, as taught by Karim et al in column 6, because Karim et al teach using (meth)acrylate monomers containing hydroxyl groups. Thus, It would have been obvious to

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one skilled in the art at the time of the invention to employ a polyacrylate having hydroxyl groups in the compositions disclosed by Karim et al. One of ordinary skill in the art at the time of the invention would have been motivated by a reasonable expectation of success since Karim et al teach this embodiment of the disclosed compositions.

## Allowable Subject Matter

Claims 3-8 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The prior art cited herein and otherwise known to the examiner does not disclose or suggest polyacrylate copolymer obtained from 1-20 % by weight (meth0acryalte monomers containing tert-butoxycarbonyl groups in combination with a polymerization regulating photoinitiator and 0.1 to 5 % by weight of a diffunctional isocyanate and/or a bifunctional epoxide.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

Susan W Berman Primary Examiner

Art Unit 1711

SB

October 20, 2003